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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,401	11/12/2003	Howard Alvin Lindsay	40983.0500	6851

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EXAMINER

HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,401

Applicant(s)

LINDSAY, HOWARD ALVIN

Examiner

Alvin A. Hunter

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (USPN 5288070).

Regarding claim 1, Chen discloses a golf club head comprising a body combination having a body frame structure 10 defining an outer surface of the golf club head and encompassing a filler matrix 20 wherein the outer surface of the filler matrix is at least in partial contact with the inner surface of the body frame and the inner surface of the filler matrix defines a cavity, and a face plate 40 wherein the body structure has a face plate aperture comprising a perimeter substantially coincident with the face plate and has a face plate receiving ridge upon which the face plate is retained on the body frame structure (See Figure 1 through 7).

Regarding claim 2, Chen discloses a fastening mechanism for fastening the faceplate to one of the frame structure and the filler matrix (See Columns 2 and 3).

Regarding claims 8, see the above regarding claim 1.

Regarding claim 9, see the above regarding claim 2.

Claims 1, 2, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lo (USPN 5410798).

Regarding claim 1, Lo discloses a golf club head comprising a body combination having a body frame structure 20 defining an outer surface of the golf club head and encompassing a filler matrix 30 wherein the outer surface of the filler matrix is at least in partial contact with the inner surface of the body frame and the inner surface of the filler matrix defines a cavity, and a face plate 21 wherein the body structure has a face plate aperture comprising a perimeter substantially coincident with the face plate and has a face plate receiving ridge upon which the face plate is retained on the body frame structure (See Figures 2 and 3).

Regarding claim 2, Lo discloses a fastening mechanism for fastening the face plate to the frame structure.

Regarding claims 8, see the above regarding claim 1.

Regarding claim 9, see the above regarding claim 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (USPN 5410798) in view of Anderson et al. (USPN 5094383).

Regarding claims 3 and 11, Lo does not disclose what type of fastening mechanism is used to fasten the face plate to the body. Anderson et al. discloses a club head wherein the face plate is welding to the body. It is also submitted that Anderson et al. also inherently teaches the use of a coolant system wherein the coolant system is air. One having ordinary skill in the art would have found it obvious to attach the face plate to the body by welding, as taught by Anderson et al., in order to secure the face plate to the body.

Regarding claim 17, see the above regarding claim 1, 3, and 8

Regarding claims 18 and 19, Anderson et al. inherently discloses the heat sink and liquid bath being air because air is a substance used for cooling and it is also a fluid.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (USPN 5410798) in view of Maxell (USPN 4618149).

Regarding claims 4 and 10, Lo does not disclose what type of fastening mechanism is used to fasten the face plate to the body. Maxell discloses the club head wherein the face plate is fasten to the body by removable and reattachable fasteners, as taught by Maxell, one having ordinary skill in the art would have found it obvious to attach the face plate to the body using fasteners in order to allow the user to vary the types of face plates.

Claims 5-7, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (USPN 5410798) in view of Bliss et al. (USPN 6776723).

Regarding claims 5-7, 12, and 20, Lo does not disclose the club head having a tuning weight. Bliss et al. discloses a club head having a tuning weight attached to the interior surface of the club head body. One having ordinary skill in the art would have found it obvious to attach a tuning weight to the body, as taught by Bliss et al. in order to adjust the center of gravity and inertia of the club head.

Response to Arguments

Applicant's arguments filed 5/22/06 have been fully considered but they are not persuasive.

Applicant argues that Chen does not disclose filler matrix completely filling the inner shell. The examiner disagrees. Claims 1 or 8 do not require a filler matrix to completely fill the interior of the body frame without discontinuity. Further claim 8 only requires that the filler fill an area defined by aperture and inner surface. The language of claim 8 does not require the opening to be closed by a filler matrix, only that the filler matrix extend to a area defined by the aperture. Applicant should review the language of both claims 1 and 8 with respect to Chen. With respect to Lo et al. Applicant should look at the reference closer, the bowl-shaped laminate is the filler matrix. The expansion pocket is only used to adhere the bowl shape laminate to the body frame of the club head.

Applicant also argues that there is no motivation to combine Anderson '383 with Lo et al.. The examiner disagrees. Lo et al. discloses the faceplate attached to a metal body frame wherein the body frame also houses the filler matrix. Lo et al. does not disclose the material or the type of connection of the faceplate. Anderson '383

discloses a metal faceplate attached to a metal body frame via welding to improve impact and control. The examiner see this as enough motivation to combine the two references.

With respect to Anderson '664, applicant's arguments are persuasive and in light of the foregoing argument the above action has been furnished.

With respect to Bliss see the above regarding Lo et al.

The rejection under 112, 1st has been removed to simply issues.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim, can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Alvin A. Hunter, Jr.



EUGENE KIM
SUPERVISORY PATENT EXAMINER